



## GREENWOOD COMMON COUNCIL FEBRUARY 16, 2004 MINUTES

President Jessie Reed called the meeting to order at 7:00 p.m.

Boy Scout Troops 264 and 268 led the audience in the Pledge of Allegiance, after which Rosemary Cooley of the First Baptist Church led in prayer.

<b>PRESENT:</b>	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis. Mayor Charles Henderson was not in attendance.
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Mr. Bates moved to approve the minutes of the regular session of February 2<sup>nd</sup>, with second by Mr. Hardin. Vote: Ayes.

Under unfinished business, Ms. Reed reported that a business operating out of a residence on Fry Road has not ceased its operation according to the neighbors. Planning Director Ed Ferguson had spoken with the owner's attorney a couple of weeks ago but will follow up.

Ms. Koons-Davis had distributed her litigation report. There were no questions from the Council.

Mr. Armstrong reported that the major topic at the Plan Commission, the proposed Wal-Mart on State Road 135, was postponed for another month to March 8, 2004.

Mr. Gibson reported that the Solid Waste Management Board is looking to lease the basement of the building they have now. He then discussed the funds brought in from recyclables. They usually charge by the bin.

Mr. Hardin told the Council that the ad hoc committee studying the space issues for the City met last Thursday to conduct a public hearing. He reported that the solutions were ranked (not considering cost) as 1) a new facility, 2) remodeling the present City Building and 3) possibly purchasing a second building if remodeling was not enough.

Mr. Deer indicated that the tax abatement committee met, and passed out an educational package. They want to meet with the City Attorney and the attorney for the Redevelopment Commission on ideas to streamline the process. The next meeting is March 4<sup>th</sup> at 7:00 p.m. in the first floor conference room.

**RESOLUTION No. 04-04** – A Resolution of the Greenwood Common Council Authorizing the Filing, Acceptance and Implementation of a Challenge Grant Program With the Indiana Criminal Justice Institute and Related Matters (Funding for Parent Education to Prevent Child Sexual Abuse). Mr. Armstrong moved to defeat. Second by Mr. Hardin. Mr. Armstrong commented that he thought this is a County issue, as White River Township would be included, as well as the correctional facility. Mr. Bates brought up the issue of the time frame involved, as the Council did not vote to suspend the rules at the last meeting after introduction. Vote: Ayes. **FAILS.**

**ORDINANCE No. 04-05** – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled "An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith" (Proposed Rezoning of approximately .34 acres, Lot 13 of the McCrary Subdivision, located south of County Line Road and on the east side of Meridian Street, commonly known as the Kimbler Property). Mr. Gibson moved to pass Ordinance No. 04-05 through first reading. Second by Mr. Bless. Mr. Armstrong told the Council that this passed by a vote of 10-0 in Plan Commission. Tom Vander Luitgaren of Van Valer Law Firm represented the petitioner and

showed pictures of the property. A new conceptual plan was attached to the staff report, which showed lot 13 being incorporated into lots 10, 11 and 12. There is a curb cut on Meridian. Vote: Ayes. **ORDINANCE No. 04-05 PASSED FIRST READING.**

**ORDINANCE No. 04-06** – An Ordinance Annexing Certain Territory Within the Area of Extended Jurisdiction of the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately .34 Acres Located South of County Line Road and on the East Side of Meridian Street (commonly known as lot 13 of the McCrary Subdivision and the Kimbler Property). Mr. Bless moved to pass Ordinance No. 04-06 on first reading. Second by Mr. Gibson. Ms. Reed opened the public hearing for input. There was a question from Mr. Bates on whether the petitioner was comfortable with the services that the City would provide, and Mr. Vander Luitgaren assured him that he was. There were no further questions. Vote: Ayes. **PASSED FIRST READING.**

**ORDINANCE No. 04-08** – An Ordinance Establishing a Rainy Day Fund for Certain Special Income Tax Distributions. Mr. Bates moved to pass Ordinance No. 04-08 through first reading. Second by Mr. Hardin. The City Attorney reported that the City received \$318,858 in CAGIT funds. Any amount over the usual CAGIT funds must go into the Rainy Day fund, per State statute. Vote: Ayes. **PASSED FIRST READING.**

**ORDINANCE No. 04-02** – An Ordinance Amending Greenwood Municipal Code (1993), As Amended, Chapter 3, Article 1, Division II, Sections 3-14 and 3-16, to Change the Order of Business for Meetings of the Common Council and to Change the Procedure for Introduction of Ordinances and Resolutions. Mr. Bates moved to pass Ordinance No. 04-02 through second reading. Second by Mr. Hardin. Ms. Reed mentioned that she had received a call from a resident who thought there should be an opportunity for members of the audience to speak at the end of the meeting as well as the beginning. Requests from the audience are taken early in the meeting and at the end of the meeting the audience can be heard under miscellaneous business. Vote: Ayes. **PASSED SECOND READING.**

**RESOLUTION No. 04-03** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan for the Annexation of Approximately .34 Acres Located on the Southeast Corner of County Line Road and Meridian Street, Referencing Annexation Ordinance No. 04-06. Mr. Bates moved to pass Resolution No. 04-03 on second reading. Second by Mr. Gibson. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-07** – An Ordinance Providing For an Additional Appropriation From the General Fund to the Clerk-Treasurer (\$3,000). Mr. Hardin moved to pass Ordinance No. 04-07 through second reading. Second by Mr. Bless. Vote: Ayes. **PASSED SECOND READING.**

**ORDINANCE No. 04-09** – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately .68 Acres Located at the Southwest Corner of S.R. 135 and Smith Valley Road, and Commonly Known as the Schoolcraft Development, Inc. Property. **INTRODUCED.** Donna Smithers of Maurer and Smithers represented the developer. The City Attorney reminded the Council that on an annexation petition, first reading and public hearing cannot be held until at least 60 days after its introduction. At her suggestion, Mr. Bates moved to postpone first reading until April 19, 2004. Second by Mr. Hardin. Vote: Ayes. **FIRST READING AND PUBLIC HEARING POSTPONED UNTIL APRIL 19, 2004 MEETING.**

**RESOLUTION No. 04-05** – A Resolution of the Greenwood Common Council to Adopt the Written Fiscal Plan For the Annexation of Approximately .68 Acres Located Along the Southwest Corner of S.R. 135 and Smith Valley Road, Referencing Annexation Ordinance No. 04-09. **INTRODUCED.**

**RESOLUTION No. 04-06** – A Resolution of the Greenwood Common Council Regarding the Need to Lease Office Space for Various City Departments. Counsel indicated that by State statute, before the City can lease a structure, we are required to get the signatures of at least 50 taxpayers on a petition, saying that we agree we need to lease space and supporting that. In addition, the fiscal body, the Common Council, needs to conduct an investigation to determine that there is a need to lease space. That is the purpose of this resolution. **INTRODUCED.**

Under miscellaneous business, Director of Operations Norm Gabehart discussed road improvement plans. He told the Council that in their handouts projects from 1996 to 2003 were included as a point of reference. First on the list were federally funded projects. Mr. Gabehart mentioned that staff is trying to get some projects, like Fry Road, federally funded. In the old sections of Greenwood, he said, the City has done a good job financing street projects and getting the work done. Developer installed roadway improvements were also included in the list. Mr. Gabehart mentioned that in 1996 the standards for roadways were upgraded. He moved on to discuss 2004 financial resources and manpower reallocation, along with examples of in-house work. The first project Mr. Gabehart mentioned for this year was Imperial Hills, which is slated for full curb line replacement, driveway approach and drainage repair on Cherryfield Lane. In Whispering Trails, under drains are to be installed, phasing into overlayment. In Shady Creek, most of the under drains are completed and paving could begin this year. Cooper's will probably need some drainage work this year. Los Campos will also need under drains and overlayment, probably in 2005. In Lago Vista, there is an immediate need to correct a problem on Royal St. Georges Drive. Mr. Gabehart said that they have located about 160 sump pumps, gutter drains and perimeter drains around the City, and it is a priority to get those corrected. In Briarwood Subdivision, work is needed this year on the corner of Briarwood and Howard. Mr. Gabehart went on to discuss the work done in the Commons and Whispering Trails, for example.

Mr. Armstrong asked for a list of subdivisions to be done after 2005 and when. Mr. Gabehart replied that this is virtually impossible because of unforeseen problems. Mr. Hardin asked for a tool so that the Council can forecast their paving projects, with Northern Park and Valle Vista being a priority, and then other areas that will need roads repaved. He added that he is pleased with the idea of a Rainy Day fund and said that if the City had had this earlier we wouldn't be facing a bond issue. To which Mr. Gabehart replied that he thinks the City has done a good job with the resources and funding available. There was more discussion on internal paving and possible funding. Mr. Deer came back to asking for an estimate on Northern Park and others done in-house. Mr. Hardin then asked about which projects we have applied for federal funding. Graham Road has matching TIF funds. Sheek Road is also on the list. Director of Engineering Paul Peoni sits on the MPO and Mayor Henderson is on the policy committee, so Mr. Gabehart is sure they have asked for Sheek Road to be considered. Mr. Armstrong then discussed a proposal to avoid bonding for Valle Vista and Northern Park streets where work would be done in four segments: Valle Vista West in 2004, ½ of Northern Park in 2005, Valle Vista East in 2006 and ½ of Northern Park in 2007 (in the attachments of this meeting). Mr. Armstrong asserted that doing a bond issue means paying double what we would using Cum Cap funds that come in on a regular basis, adding that we have a significant balance at this point. He asked the City Attorney to draft an appropriation ordinance dedicating \$1.6 million in 2004 from CCI to Valle Vista West – the portion south of Smith Valley Road. Mr. Deer thought this was premature, as the bond process has not been finished. The meeting with the Department of Local Government Finance is later this month. Ms. Koons-Davis will check the statute as there are limited purposes for the use of CCI funds. Mr. Deer suggested bond counsel attend the next meeting. There was next discussion on whether some matching fund projects would need to be postponed. Mr. Deer warned that it is dangerous to turn down federal funds because you may not get funding for another five to ten years. Mr. Armstrong stated that funds will be available in CCI for those projects. After more discussion Mr. Deer stated that if this is to be a fair, impartial Council we should discuss this at the next meeting so that everyone has a chance to prepare, including bond counsel.

The City Attorney presented a Uniform Conflict of Interest Disclosure Statement from David Payne, a captain in the Police Department, regarding his wife, Garnet Vaughan, a member of the Redevelopment Commission, for any interest he might have in her earnings. Mr. Bates moved to accept the Uniform Conflict of Interest Disclosure Statement, with second by Mr. Gibson. Vote: Ayes.

Ms. Koons-Davis next discussed the annual contract with the Greenwood Senior Citizens Center for 2004. They have provided a copy of their annual financial report for 2003. Betty Davis of the Center said that in October they will have completed their 25<sup>th</sup> year of service to the community. The creation of a slush fund a few years ago enabled them to cover losses they had last year, she noted. Dues have been increased and there is now an activity fee. Ms. Davis then discussed possible ways she will be trying to cut expenses. Membership is still between 600 and 700 she commented. Mr. Deer, noting this is a budgeted item, moved to authorize the Mayor to sign the contract with the Greenwood Senior Citizens Center for 2004. Second by Mr. Hardin. Vote: Ayes.

At this time Mr. Hardin discussed a proposal tabled at a previous meeting. He has discussed performing an audit of the Information Technology Department, he said, with Director Rick Jones, to enable them to do forecasting and plan what is needed. He distributed a proposal to consider from Mark Pugh of x-tol, currently under contract with John Deere. The soonest he could perform an audit is late April. This

proposal can be discussed at the next meeting. Mr. Hardin indicated that Mr. Jones welcomed an audit of his department. In response to Mr. Deer, Mr. Hardin suggested the cost come either out of the Council budget or the \$26,000 line item he tabled in the Information Technology budget. Mr. Pugh's proposal is limited to 40 hours at a cost of \$5,500. Any hours not used of the 40 hours will be credited.

From the audience, Nate Robe of the Valle Vista Homeowners' Association, supported Mr. Deer's comments on the bond issue. His concern with Mr. Armstrong's proposal is that the plan could be discontinued next year and wondered if it is an absolute that Valle Vista would be completed in two years under that scenario. Mr. Armstrong reiterated that he had asked counsel to include in the ordinance that it is the intent of the Council to fund this over a four-year period. Tom Measler asked when Mr. Armstrong gave his proposal to Valle Vista. It was given to the president of the Homeowners' Association this afternoon. Mr. Measler asserted that he thought that the residents of Valle Vista had an equitable agreement that the bond issue was probably the most reasonable thing to do. He said that the proposal for four to five years that Mr. Armstrong originally proposed did not take into account the funds that would be needed to care for other road problems. Mr. Measler argued that the proposal tonight would last only one year and asserted that costs were going to go up so that it would never be cheaper to fix the streets than it is now. Mr. Measler went on to suggest that in the future Mr. Armstrong bring proposals before the residents of Valle Vista for a calm, rational discussion.

Marty Chitwood mentioned that she heard at a meeting Saturday that the Federal government will be giving quite a bit more money for roads. Of course, there was no guarantee. Bill Hart agreed with that report.

Mr. Bates told the audience he is committed to see that the roads are paved in the two-year period that was discussed tonight. Mr. Hardin concurred, saying that maintaining the infrastructure, to him, was a higher priority than some other projects that may be coming.

With no further business, the meeting adjourned at 8:50 p.m.